



Massachusetts Department of Environmental Protection
Environmental Results Program
Compliance Certification Instructions
for Boilers

1. What is the ERP Initial Compliance Certification?

Operators of new boilers with a heat input rating between 10 million and 40 million Btu per hour installed after September 14, 2001 are required to certify to the Department of Environmental Protection (DEP) that they are complying with the environmental protection requirements that apply to their new boiler(s). You must submit the initial compliance certification within 60 days of initial operation. Thereafter, operators are required to submit an annual compliance certification on or before **March 15**. The annual compliance certification form will be mailed to you early each year. The *certification forms* and the accompanying guidance materials have been designed to enable you to fill out the *ERP Certifications* by yourself.

DEP strongly advises you to review this material well in advance of the submittal deadline. While many facilities have all of the equipment they need to comply with environmental standards and are operating in compliance with the requirements, *some businesses may need to take additional steps to comply*.

The certification package has two parts:

1. **Initial Compliance Certification:** This form has three sections: *Facility Information* that identifies the facility and a contact person, *Compliance Questions*, which are a series of mostly "yes" or "no" questions about whether or not your facility is following the applicable environmental requirements, and a *Certification Statement* to be signed by the facility owner or certain other specified senior managers.
2. **ERP Boiler Compliance Workbook:** The workbook contains the regulatory information you need to complete the Initial Certification form and certify compliance with the applicable requirements.

2. Do I have to certify?

While the program applies to almost all new boilers with a heat input rating between 10 million and 40 million Btu per hour, two conditions exempt your facility from the requirement to submit an *Initial Compliance Certification*: 1) The owner/operator of a wood fuel-fired boiler must submit a plan application under the permitting regulations, 310 CMR 7.02. 2) A facility that is subject to the Operating Permit program, 310 CMR 7.00 Appendix C.

3. How do I submit an Initial Compliance Certification?

If ERP applies to your facility, you are required to complete an *Initial ERP Compliance Certification* form for each new boiler within 60 days of starting boiler operation and mail it to DEP. An *Annual ERP Compliance Certification* is due on or before **March 15**. You should complete one annual compliance form for all ERP boilers. Certifications should be mailed to the following address:

MADEP - ERP - Boiler
P.O. Box 120-165
Boston, MA 02112-0165



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A pre-addressed envelope has been enclosed in this package for your convenience.

4. How do I fill out the Initial Compliance Certification?

1. Read the workbook to understand the environmental protection requirements that apply to your facility.
2. Answer all of the questions on the enclosed form. Refer to *Section 7* below, *Step by Step Instructions for Filling Out the ERP Compliance Certification* on page 3.
3. When you have answered all of the questions, sign the *Certification Statement*.
4. Make a copy of the complete package for your records.
5. Mail the package in the enclosed envelope (or another envelope if you have misplaced the one included with the package) to the above address.

5. What is not currently covered by the Initial Compliance Certification?

Some facilities may be subject to additional state, federal or local environmental standards that are not covered by the *Initial or Annual Compliance Certification*. You still must comply with these requirements, even though they are not included on the Certification. Additional state requirements that may apply to your facility include air pollution control (source registration), industrial wastewater, or hazardous waste management requirements for activities other than boiler operation or other regulatory programs including: reporting and planning under the Toxics Use Reduction Act¹, water supply cross connections², ground water withdrawal permits³; wetlands and waterways protection requirements⁴, and hazardous waste site clean up requirements⁵. If you think any of these programs might apply to your business, you can get more information on applicability and compliance requirements from DEP's **InfoLine** at (800) 462-0444 or (617) 338-2255.

6. What is my ERP certification fee?

There is **no** fee associated with the *ERP Boiler Compliance Certification*.

¹ You may be subject to the Toxics Use Reduction Act if you use more than 10,000 pounds per year of a toxic chemical listed on the Federal CERCLA or EPCRA chemical lists. Chemical MSDSs state whether a chemical is on one of these lists.

² You may be subject to water supply cross connection regulations if you are required to have a backflow prevention device which prevents wastewater from being pulled back into your water supply lines.

³ You may be subject to groundwater withdrawal regulations if you take your process water from an onsite, private well.

⁴ You may be subject to wetlands and waterways regulations if you are doing construction in or near a wetland or in a tideland, or if you have a Tidelands License under Chapter 91.

⁵ You may be subject to hazardous waste site clean up requirements if there has been a spill or release of a hazardous waste or chemical on your property, or if you are undertaking a remedial action to clean up hazardous wastes.



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7. Step by step instructions for filling out the Initial Compliance Certification

Facility Information

This section lists the name and address of your business, the individual DEP should contact if there are questions about your *Initial Certification*, your Federal Employer Identification number (FEI) from your state and Federal income tax forms, and a Facility Identification Number (Facility ID) that DEP has assigned to your facility. Then add your FEI, the business's phone number, and name and business phone number for the contact person in the space provided. If your form does not have a preprinted label, put your facility's name, address, FEI, business phone number, and the contact person information in the appropriate spaces. Please leave the space for the Facility ID blank if you do not have a preprinted label.

Compliance Questions

These questions provide DEP with some background information about your boiler(s) and information about following the environmental protection standards and requirements that apply to it. The workbook contains the information you will need to determine how to answer the questions. The form tells you where in the workbook you can find information about the environmental requirements referred to in each question. *DEP strongly advises you to consult the workbook before answering any questions.* Most of the questions are "yes" or "no" questions about compliance with particular requirements or standards.

If you are NOT in compliance with the requirement on the date you certify, you must complete a *Return to Compliance Plan* and submit it with the *Initial Compliance Certification*.

- Please note that it is your responsibility to keep your facility in compliance with environmental protection requirements at all times. You may be subject to enforcement action if you do not comply with the standards. You should be able to come into compliance with all of the standards by the time you complete the certification. Return to Compliance Plans are needed only when those problems that you were unable to correct prior to certifying.

Certification Statement

The *Certification Statement* is a preprinted statement which says that the person signing the form:

- has reviewed it,
- believes the information being submitted is true,
- will make sure that management systems are in place that will keep the facility in compliance with environmental protection requirements throughout the coming year, and
- understands that there may be serious consequences for submitting false information to DEP.

The statement may only be legally signed by the facility owner or certain other types of senior managers. The types of managers that are allowed to sign the statement are listed below the space for the signature.



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The person who signs the form must also print or type his or her name and title on the appropriate lines, date the form, and check the space next to the type of manager he or she is. Note that you must hold one of the titles listed on the form to legally sign it.